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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,890	03/01/2005	Hanns-Peter Klockner	RBL0119	5310

832 7590 12/20/2005

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/518,890

Applicant(s)

KLOCKNER, HANNS-PETER

Examiner

Khawar Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jean Henry-Labordere (20030013464) and further in view of Joong et al (6188887).

Regarding **claim 7** Jean Henry-Labordere teaches procedure to handle short messages under phone number portability between several telecommunications networks where the phone numbers do not permit an unambiguous linkage of the user to a specific telecommunication network and where several attempts at delivery of the short messages are possible (para. 0001-0008, 0021-0034), and where the parameters or data required for delivery of the short message, particularly target information, are determined during the first attempt at delivery, characterized by having all or part of the parameters or data relating to the first attempt at delivery, specifically the target information, stored in the SMS center SMSC handling the transaction together with the short message to be delivered, where they are reused, at least in part, in subsequent attempts at delivery (para. 0001-0008, 0021-0034). Jean Henry-Labordere teaches sending short SMS messages to mobile networks having number portability within the same country that a computer with SS7 connections is used as an **SMSC** relay to relay the short messages sent by an operator A to a subscriber of a network B visiting

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another network C, the latter having no roaming agreement with network A, by sending the short SMS message with the global title GT of the visited MSC to a companion SMSC in a network which does have a roaming agreement with network C, the computer capable of interrogating all the HLRs of the country in which the number portability is operated, the computer having a cache memory for all the mobile subscribers of the country in which the portability is operated so that the computer will know which HLR to interrogate, without searching, once the HLR has been found a first time. Jean Henry-Labordere does not specifically teach if the short message is delivered successfully and erasing the short message.

In an analogous art, Joong et al teaches if the short message is delivered successfully and erasing the short message (col. 6, lines 12-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Jean Henry-Labordere by specifically adding feature if the short message is delivered successfully and erasing the short message in order to enhance control the delivering procedure to save the memory space as taught by Joong et al.

Regarding **claim 8** Jean Henry-Labordere teaches temporarily storing the short message to be delivered and the HLR address of the home register HLR containing the required target information obtained during the first attempt at delivery stored temporarily in an SMS center SMSC involved in the transaction (para. 0001-0008, 0021-0034, see above).

Regarding **claim 9** Jean Henry-Labordere teaches having the parameter contained in HLR queried directly from HLR by use of the HLR address stored in SMSC during subsequent attempts at delivery (para. 0001-0008, 0021-0034).

Regarding **claim 10** Jean Henry-Labordere teaches characterized by having the query of HLR use an SS7 channel (para. 0001-0008, 0021-0034).

Regarding **claim 11** Jean Henry-Labordere teaches required parameters or data contained in the HLR queried directed from HLR by use of the HLR address stored in SMS during subsequent attempt delivery (para. 0001-0008, 0021-0034).

Regarding **claim 12** Jean Henry-Labordere teaches Structure to handle short messages under phone number portability between multiple telecommunications networks where the phone numbers do not permit an unambiguous linkage of the user to a specific telecommunication network and where several attempts at delivery of the short messages are possible (para. 0001-0008, 0021-0034), and where the parameters or data required for delivery of the short message, particularly target information, are determined during the first attempt at delivery, characterized by having a storage unit or storage space reserved to store all or part of the parameter or data relating to the first attempt at delivery (para. 0001-0008, 0021-0034), specifically target information, in the SMS center SMSC involved in the transaction, where such storage is associated with the temporary storage location housing the short message to be delivered, and where the stored parameters or data, specifically the target information, are used at least in part in subsequent attempts at delivery (para. 0001-0008, 0021-0034). Jean Henry-Labordere teaches sending short SMS messages to mobile networks having

number portability within the same country that a computer with SS7 connections is used as an SMSC relay to relay the short messages sent by an operator A to a subscriber of a network B visiting another network C, the latter having no roaming agreement with network A, by sending the short SMS message with the global title GT of the visited MSC to a companion SMSC in a network which does have a roaming agreement with network C, the computer capable of interrogating all the HLRs of the country in which the number portability is operated, the computer having a cache memory for all the mobile subscribers of the country in which the portability is operated so that the computer will know which HLR to interrogate, without searching, once the HLR has been found a first time. Jean Henry-Labordere does not specifically teach if the short message is delivered successfully and erasing the short message.

In an analogous art, Joong et al teaches if the short message is delivered successfully and erasing the short message (col. 6, lines 12-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Jean Henry-Labordere by specifically adding feature if the short message is delivered successfully and erasing the short message in order to enhance control the delivering procedure to save the memory space as taught by Joong et al.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Khawar Iqbal*

*Marsha D Banks-Harold*

MARSHA D. BANKS-HAROLD  
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